

1 Case: Utah Chapter of the Sierra Club vs
2 Division of Oil, Gas and Mining
3 Docket No.: 2009-019 Cause No. C/025/0005
4 Reporter: Tamera Stephens, Q&A Reporting, Inc.
5 1872 South Main, Salt Lake City, Utah 84115

6 WITNESS CERTIFICATE

7 State of Utah)
8 ss.
9 County of Salt Lake)

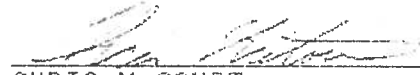
10 I, CHRIS McCOURT, HEREBY DECLARE: That I am the witness
11 referred to in the foregoing testimony; that I have read the
12 transcript and know the contents thereof; that with these
13 corrections I have noted this transcript truly and
14 accurately reflects my testimony.

15 PAGE-LINE CHANGE/CORRECTION REASON

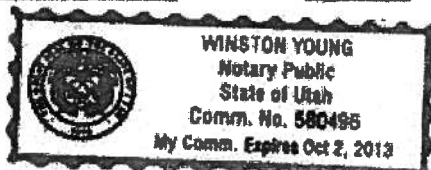
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CM

No corrections were made.


CHRIS McCOURT

SUBSCRIBED and SWORN to at Cedar City,
Utah, this 19 day of March, 2010.




Notary Public

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PROCEEDINGS

CHRIS McCOURT,

being first placed under oath, was examined and testified as follows:

MR. MORRIS: This is the deposition of Alton Coal Development, LLC, pursuant to Rule 30(b)(6) of the Utah Rules of Civil Procedure and the order of the Board of Oil, Gas and Mining, in a proceeding before the Board of Oil, Gas and Mining, styled Utah Chapter of the Sierra Club and others as petitioners versus Division of Oil, Gas and Mining, respondent, and Alton Coal Development, LLC, and Kane County, Utah, intervenors-respondents.

The docket number of the proceeding is 2009-019. The cause number is C/025/0005.

My first questions in this deposition are on cultural and historic resources.

Before I begin to question Mr. McCourt, I will state my understanding of the stipulation among the parties, that the only objection that need be stated during the course of the deposition are objections to the form of questions, that a failure to object on any other ground does not waive that objection and it may be stated at a subsequent time.

MS. DRAGOO: Very good. Thank you.

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1 EXAMINATION

2 BY MR. MORRIS:

3 Q. Would you state your full name for the record,
4 please.

5 A. Chris McCourt.

6 Q. Mr. McCourt, how are you employed?

7 A. I am the manager of Alton Coal Development.

8 Q. What role, if any, did you play in the response of
9 Alton Coal Development to the requirement of -- requirements
10 of the Utah regulations -- coal permitting regulations
11 concerning cultural and historic resources?

12 A. I overseen the development of the -- of the
13 project record itself, you know, as far as making sure that
14 we answer all the questions that they had had, and also to
15 coordinate with the Division of Gas and Mining, State
16 Historical Preservation Office.

17 Q. Did ACD -- if I may call Alton Coal Development
18 ACD.

19 A. Yes. That's fine.

20 Q. Did ACD hire Montgomery Archeological Consultants
21 to conduct the evaluation of the Coal Hollow Mine on
22 cultural resources?

23 A. Yes.

24 Q. Did ACD submit any information to the division
25 related to the cultural resource review that was not

1 prepared by Montgomery Archeological Consultants?

2 A. Not to my knowledge.

3 Q. With what personnel at Montgomery Archeological
4 Consultants did ACD deal in the preparation of this plan?

5 A. Mainly Jody Patterson and Patricia Stavish.

6 MR. MORRIS: Thank you, sir. I would like to
7 question Mr. Patterson, then. Thank you for your testimony.

8 JODY PATTERSON,

9 being first placed under oath, was examined and testified as
10 follows:

11 EXAMINATION.

12 BY MR. MORRIS:

13 Q. Would you state your name for the record.

14 A. Jody Patterson.

15 Q. How are you employed, Mr. Patterson?

16 A. I work for Montgomery Archeological Consultants as
17 a principal investigator.

18 Q. Mr. Patterson, I am Walton Morris. I am one of
19 the lawyers for the Utah Chapter of the Sierra Club and the
20 other petitioners in this proceeding before the Board of
21 Oil, Gas and Mining concerning the approval of the Coal
22 Hollow mining permit that Alton Coal Development, LLC,
23 obtained back last October.

24 A. Uh-huh (affirmative).

25 Q. Have you ever been deposed before?